

**CALENDAR ITEM
C50**

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02/07/17
PRC 6927.9
L. Pino

AMENDMENT OF PERMIT

PERMITEE:

City of Reedley
100 North East Avenue
Reedley, CA 93654

AREA, LAND TYPE, AND LOCATION:

0.158 acre, more or less, of sovereign land in the Kings River, city of Reedley, Fresno County.

AUTHORIZED USE:

Operation and maintenance of a boat launch facility at Cricket Hollow Park.

PERMIT TERM:

49 years, beginning January 1, 1986.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

PROPOSED AMENDMENT:

Amend the permit to allow the rehabilitation and expansion of the existing boat launch facilities at Cricket Hollow Park, including:

1. Removal of a portion of the existing boat launching ramp.
2. Construction of a new boat launching ramp.
3. Installation and placement of piers for a floating dock.
4. Installation of riprap around completed ramp area to prevent erosion and to rehabilitate the previously authorized bank stabilization riprap.

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5. Amend General Permit – Public Agency Use to General Lease – Public Agency Use.

All other terms and conditions of the permit shall remain in effect without amendment.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, and 6501.1;
California Code of Regulations, title 2, section 2000, subdivision (b).

Public Trust and State's Best Interests Analysis:

On December 19, 1985, the Commission authorized a General Permit – Public Agency Use to the City of Reedley (City) for the construction, operation, and maintenance of the Cricket Hollow Park boat launch facility. That permit will expire on December 31, 2034. The proposed amendment would allow the City to rehabilitate and expand the service area of the popular boat launch facility at this location. The boat launch facility is maintained and operated by the City has not had a major renovation since 1985. As the only public boat launching facility on the Kings River, and one of the few that accommodates power boats, Cricket Hollow Park serves a significant recreational boating population. In addition to providing facilities for recreational boating, the boat launch facility also serves as the launching point for the Swiftwater Emergency Response Team maintained by the Reedley Fire Department, which provides an additional public safety benefit to both the water dependent recreational community and the regional community at large.

The City, as lead agency under the California Environmental Quality Act (CEQA), conducted an environmental analysis for the project and adopted a Mitigated Negative Declaration (MND). Many of the proposed improvements will increase or facilitate public access to sovereign lands. The boat ramp will be extended for use in low water conditions, the boat ramp's design will allow silt accumulations to be removed, the project will include ADA accessibility features, and security lighting for the boat ramp and parking lot will be installed. These design elements will help promote fishing, kayaking, canoeing, waterskiing, and wakeboarding from the boat launch facility.

The MND evaluated several potentially significant impacts on sovereign lands that can be mitigated to a less than significant level. The potential impacts include the removal of Mature Red River gum trees that provide potential roosting habitat for bats, a change in the significance of

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previously undiscovered cultural resources, degradation of water quality during construction, and construction noise. The MND included mitigation measures to address these potentially significant impacts, and the City adopted a Mitigation Monitoring Program pursuant to CEQA. (MMP; see Exhibit C, Attachment C-1). Commission staff reviewed the City's MMP and included those measures applicable to the proposed lease area in the Commission's MMP (see Exhibit C).

The boat launch facility today shows the wear and tear of 30 years of steadily increased usage and the accumulation of silt under the ramps. The original float was built on wooden piles, which have begun to show the effects of time and erosion. The current facilities are no longer sufficient to handle the newer models of boats or the increased use of the facility by the public. If the facilities are not rehabilitated, they may present a potential safety hazard to the public.

The boat launch facility has been instrumental for accommodating increased public access for water-oriented activities. It is one of the few facilities in the area that allows access to the river for the boating public. Since its construction, the facility has seen a steady increase in usage by the public for recreational boating. The proposed project is consistent with the common law Public Trust Doctrine because the improved facilities will promote and enhance public water-dependent recreation, navigation, and safety services.

For all the reasons above, Commission staff believes the authorization of this permit amendment is consistent with the common law Public Trust Doctrine and in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction; and Strategy 1.3 to protect, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
2. A Mitigated Negative Declaration, State Clearinghouse No. 2016031065, was prepared by the City of Reedley and approved on April 26, 2016, for this project. A Mitigation Monitoring Program was adopted by the City of Reedley. Commission staff has reviewed the documents.

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3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

City of Reedley

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers
Central Valley Regional Water Quality Control Board
California Department of Fish and Wildlife

EXHIBITS:

- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2016031065, and a Mitigation Monitoring Program was prepared by the City of Reedley and approved on April 26, 2016, for this project and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed permit amendment is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

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AUTHORIZATION:

Authorize the amendment of Permit No. PRC 6927.9, a General Permit – Public Agency Use, effective February 7, 2017, to rename it from a permit to a lease; and to authorize partial deconstruction of the existing boat launch ramp; construction of a new boat launch ramp; installation of piers for a floating dock; and installation of rock riprap for bank stabilization around new ramp area, shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof.

EXHIBIT "A"

PRC 6927.9

LAND DESCRIPTION

All that submerged land in the bed of the Kings River lying immediately beneath boat launching ramps, floating docks, and riprap for bank protection, said facilities being located in Cricket Hollow Park, Reedley, California, adjacent to and easterly of that land described in the Grant Deed recorded May 17, 1955 in Book 3606, Page 370, Official Records of Fresno County, California.

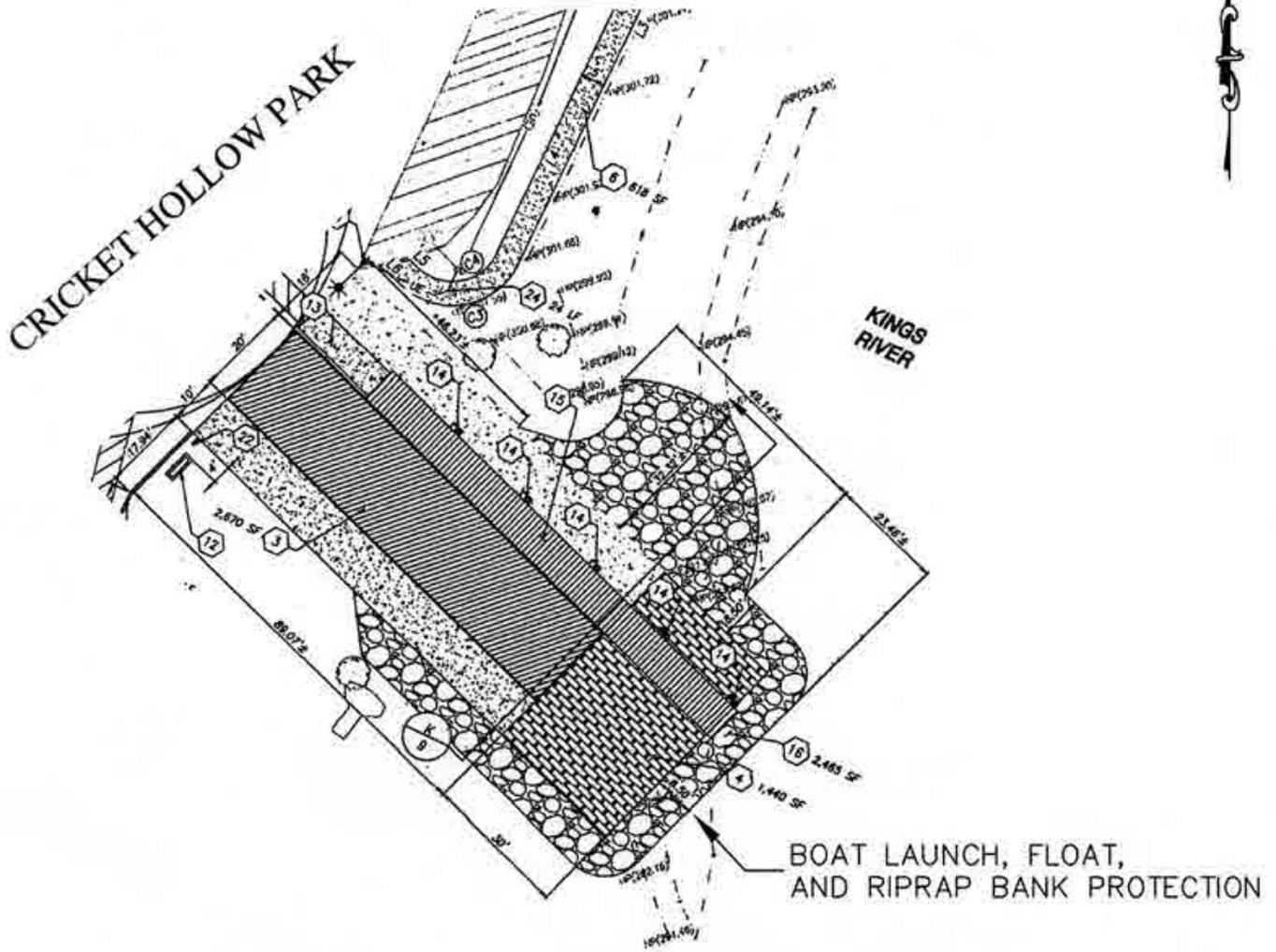
EXCEPTING THEREFROM any portion lying landward of the ordinary low water mark of the Kings River.

END OF DESCRIPTION

PREPARED AUGUST 26, 1985, BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

NO SCALE

SITE



CRICKET HOLLOW PARK, REEDLEY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6927.9
 CITY OF REEDLEY
 APN 365-181-05, 07
 GENERAL LEASE -
 PUBLIC AGENCY USE
 FRESNO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
CRICKET HOLLOW BOAT LAUNCHING PROJECT
(PRC 6927, State Clearinghouse No. 2016031065)

The California State Lands Commission (Commission or CSLC) is a responsible agency under the California Environmental Quality Act (CEQA) for the Cricket Hollow Boat Launching Project (Project). The CEQA lead agency for the Project is the City of Reedley.

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on Commission lands. The purpose of a MMP is to discuss feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND). State CEQA Guidelines section 15097, subdivision (a), states in part:¹

In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The lead agency has adopted an MND; State Clearinghouse No. 2016031065, and adopted a MMP for the whole of the Project (see Exhibit C, Attachment C-1) and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table C-1 below. The full text of each mitigation measure, as set forth in the MMP prepared by the CEQA lead agency and listed in Table C-1, is incorporated by reference in this Exhibit C. Any mitigation measures adopted by the Commission that differ substantially from those adopted by the lead agency are shown as follows:

- Additions to the text of the mitigation measure are underlined; and
- Deletions of the text of the mitigation measure are shown as ~~strikeout~~ or as otherwise noted.

¹ The State CEQA Guidelines are found at California Code of Regulations, title 14, section 15000 et seq.

Table C-1. Project Impacts and Applicable Mitigation Measures

Potential Impact	Mitigation Measure (MM) ²	Difference Between CSLC MMP and Lead Agency MMP
BIO-1: Potential impacts to roosting or breeding bats.	BIO-1, BIO-2, BIO-3, BIO-4	None
BIO-2: Potential impacts to nesting raptors and migratory birds.	BIO-5, BIO-6, BIO-7	None
CUL-1: Potential impact to historic, archeological and paleontological resources.	CUL-1	See Mitigation Measure CUL-1 below
HYDRO-1: Potential impacts to water quality.	HYDRO-1, HYDRO-2, HYDRO-3, HYDRO-4	None
NOI-1: Noise generated from construction activities.	NOI-1	None

CUL-1

- Before initiation of construction or ground-disturbing activities associated with the Project, the City shall require all construction personnel to be alerted to the possibility of buried cultural resources, including historic, archeological and paleontological resources;
- The general contractor and its supervisory staff shall be responsible for monitoring the construction Project for disturbance of cultural resources; and
- If a potentially significant historical, archaeological, or paleontological resource, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains or trash deposits are encountered during subsurface construction activities (i.e., trenching, grading), all construction activities within a 100-foot radius of the identified potential resource shall cease until a qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) forms. The archaeologist shall determine whether the item requires further study. If, after the qualified archaeologist conducts appropriate technical analyses, the item is determined to be significant under California Environmental Quality Act, the archaeologist shall recommend feasible mitigation measures, which may include avoidance, preservation in place or other appropriate measure, as outlined in Public Resources Code section 21083.2.
- Commission staff shall be notified of any resources eligible to the California Register of Historical Resources or National Register of Historic Places or paleontological specimens discovered on lands under the jurisdiction of the Commission. The final disposition of any artifacts or specimens including, but not limited to, those of an archaeological, cultural, historical, or paleontological nature from such lands must be approved by the Commission.

² See Attachment C-1 for the full text of each MM taken from the MMP prepared by the CEQA lead agency.

ATTACHMENT C-1

**Mitigation Monitoring Program Adopted by the
City of Reedley**

Attachment C-1

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
<p>BIO-1 To avoid potential impacts to maternity bat roosts, removal of trees should occur outside of the period between April 1 and September 30, the time frame within which colony-nesting bats generally assemble, give birth, nurse their young, and ultimately disperse.</p>	City of Reedley	Prior to construction	City of Reedley	
<p>BIO-2 If removal of trees is to occur between April 1 and September 30 (general maternity bat roost season), then within 30 days prior to these activities, a qualified biologist shall survey affected trees for the presence of bats. The biologist shall look for individuals, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist shall wait for nighttime emergence of bats from roost sites. If no bats are observed to be roosting or breeding, then no further action would be required, and construction could proceed.</p>	City of Reedley	Prior to construction	City of Reedley	
<p>BIO-3 If a non-breeding bat colony is detected during preconstruction surveys, the individuals shall be humanely evicted via partial dismantlement of trees or structures prior to full removal under the direction of a qualified biologist to ensure that no harm or "take" of any bats occurs as a result of construction activities.</p>	City of Reedley	Prior to construction	City of Reedley	
<p>BIO-4 If a maternity colony is detected during preconstruction surveys, a disturbance-free buffer shall be established around the colony and remain in</p>	City of Reedley	Prior to construction	City of Reedley	

Attachment C-1

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
<p>place until a qualified biologist deems that the nursery is no longer active. The disturbance-free buffer shall range from 50 to 100 feet as determined by the biologist.</p>	City of Reedley	Prior to construction	City of Reedley	
<p>BIO-5 In order to avoid impacts to nesting raptors and migratory birds, the project will be constructed outside the nesting season, or between September 1st and January 31st.</p>	City of Reedley	Prior to construction	City of Reedley	
<p>BIO-6 If project activities must occur during the nesting season (February 1-August 31), a qualified biologist will conduct preconstruction surveys for active raptor and migratory bird nests within 30 days of the onset of these activities. The survey shall include the proposed work area(s) and surrounding lands within 500 feet for all nesting raptors and migratory birds. If no nesting pairs are found within the survey area, no further mitigation would be required.</p>	City of Reedley	Prior to construction	City of Reedley	
<p>BIO-7 Should any active nests be discovered near proposed work areas, the biologist shall determine appropriate construction setback distances based on applicable CDFW guidelines and/or the biology of the affected species. Construction-free buffers shall be identified on the ground with flagging, fencing, or by other easily visible means, and shall be maintained until the biologist has determined that the young have fledged.</p>	City of Reedley	Prior to construction	City of Reedley	
<p>CUL-1</p> <ul style="list-style-type: none"> • Before initiation of construction or ground-disturbing activities associated with the Project, 	City of Reedley	Prior to and during construction	City of Reedley	

Attachment C-1

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
<p>the City shall require all construction personnel to be alerted to the possibility of buried cultural resources, including historic, archeological and paleontological resources;</p> <ul style="list-style-type: none"> • The general contractor and its supervisory staff shall be responsible for monitoring the construction Project for disturbance of cultural resources; and • If a potentially significant historical, archaeological, or paleontological resource, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains or trash deposits are encountered during subsurface construction activities (i.e., trenching, grading), all construction activities within a 100-foot radius of the identified potential resource shall cease until a qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) forms. The archaeologist shall determine whether the item requires further study. If, after the qualified archaeologist conducts appropriate technical analyses, the item is determined to be significant under California Environmental Quality Act, the archaeologist shall recommend feasible mitigation measures, which may include avoidance, preservation in place or other appropriate measure, as outlined in Public Resources Code section 21083.2. 				

Attachment C-1

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
<p>HYDRO-1 Prior to the onset of construction, an erosion control plan shall be prepared by a qualified engineer consistent with the requirements of a City of Reedley grading permit and a General Construction Permit (an NPDES permit issued by the Regional Water Quality Control Board). Typically, specified erosion control measures must be implemented prior to the onset of the rainy season. The site must then be monitored periodically throughout the rainy season to ensure that the erosion control measures are successfully preventing on-site erosion and the concomitant deposition of sediment into the Kings River. Elements of this plan would address both the potential for soil erosion and nonpoint source pollution. At a minimum, elements of an erosion control plan typically include the following:</p> <ul style="list-style-type: none"> • Protection of exposed graded slopes from sheet, rill and gully erosion. Such protection could be in the form of erosion control fabric, hydromulch containing the seed of native soil-binding plants, straw mechanically imbedded in exposed soils, or some combination of the three. • Use of best management practices (BMPs) to control soil erosion and non-point source pollution. BMPs may include measures above, but they may include any number of additional measures appropriate for this particular Project Site and this particular Project, including grease traps in parking lots, landscape management practices to reduce 	<p>City of Reedley</p>	<p>Prior to and during construction</p>	<p>City of Reedley</p>	

Attachment C-1

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
<p>the use of pesticides and herbicides, the discharge of stormwater runoff from "hardscapes" into grassy swales, regular Site inspections for pollutants that could be carried by runoff into natural drainages, etc.</p>				
<p>HYDRO-2 Where possible, project construction should be confined to the dry season, when the chance for significant rainfall and stormwater runoff is very low. Construction during the spring, summer, and fall will not eliminate the need to implement erosion control measures described in Mitigation Measure Hydro-1, but will ensure that the threat of soil erosion has been minimized to the maximum extent feasible.</p>	City of Reedley	Prior to and during construction	City of Reedley	
<p>HYDRO-3 If silt must be removed from under the boarding float when the project site is inundated, all work areas shall be equipped with a turbidity barrier or silt curtain that will prevent most silt from entering the water column and being transported downstream. The turbidity barrier shall remain in place until work causing turbidity in the work area has been completed.</p>	City of Reedley	Prior to and during construction	City of Reedley	
<p>HYDRO-4 Stormwater and irrigation runoff leaving roofs, streets, and landscaped areas will potentially be polluted with oil, grease, heavy metals, and pesticide and herbicide residues. All runoff shall be routed through a system of grease traps, stormwater retention/detention basins, and bio-filtration swales to ensure that water quality of on-site and off-site wetlands, creeks and</p>	City of Reedley	Prior to and during construction	City of Reedley	

Attachment C-1

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
<p>rivers is maintained at roughly pre-project levels.</p> <p>NOISE-1 Construction activities shall be limited to between 6:00 A.M. and 9:00 P.M. Monday through Friday and between 7:00 A.M. and 5:00 PM on Saturday or Sunday to avoid noise-sensitive hours of the day. Construction activities shall be prohibited on holidays (President's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Day after Thanksgiving, Christmas Day, and New Year's Day).</p>	<p>City of Reedley</p>	<p>Prior to and during construction</p>	<p>City of Reedley</p>	